



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

JUL 11 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Larry Jorgenson, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Bar-B-Bar Meadows
PWS ID# WY5601439

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Bar-B-Bar Meadows, Jackson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWR). The system is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.201, 141.21(g)(2) and 141.31(b) for: exceeding the monthly Maximum Contaminant Level (MCL) for total coliform bacteria; failure to collect a set of repeat samples after a total coliform positive sample; failure to conduct public notice and failure to report violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Lisa Kahn at (303) 312-6896.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diane L. Sipe", is written over the typed name.

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

JUL 11 2005

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Charisse Haws, Registered Agent
Bar-B-Bar Meadows Home Owners Association
155 E. Pearl Street
P.O. Box 3345
Jackson, WY 83001

Re: Administrative Order
Docket No. **SDWA-08-2005-0035**
PWS ID# WY5601439

Dear Ms. Haws:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that Bar-B-Bar Meadows is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWR) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.201, 141.21(g)(2) and 141.31(b) for: exceeding the monthly Maximum Contaminant Level (MCL) for total coliform bacteria; failure to collect a set of repeat samples after a total coliform positive sample; failure to conduct public notice and failure to report violations to EPA.

EPA recognizes and appreciates the prompt response by Bar-B-Bar Meadows Home Owners Association in alerting EPA and residents of the recent MCL total coliform bacteria violations.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Included in this package is a public notification template that you can use to fulfill the notification requirements mentioned in the Order.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Lisa Kahn at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Kahn at (800) 227-8917, extension 6896, or (303) 312-6896. If you wish to have an informal conference with EPA, you may also call or write Ms. Kahn. If you are represented by an attorney or have legal questions, please have your attorney call Peggy Livingston at (800) 227-8917, extension 6858, or at (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Public Notice Template
SBREFA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2005 JUL 11 AM 8:44

IN THE MATTER OF)

Bar-B-Bar Meadows)

Home Owners Association)

Jackson, Wyoming)

Respondent)

Proceedings under Section 1414(g))

of the Safe Drinking Water Act,)

42 U.S.C. § 300g-3(g))

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0035

FILED
EPA REGION VIII
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Bar-B-Bar Meadows Home Owners Association is a corporation under the laws of the state of Wyoming as of April 1993 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Bar-B-Bar Meadows (the System), located in Jackson, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4),

and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to an August 9, 2004 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of two wells operating since 1993 and serves approximately 55 persons year-round through 22 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per month to determine compliance with the Maximum Contamination Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during December 2004, January 2005, and February 2005 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples for the July 2000 total coliform positive routine sample, in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the national primary drinking water regulations (NPDWR), including violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance detailed in the preceding Section II, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section II of this Order, in violation of 40 C.F.R. § 141.21(g)(2).

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.

2. Respondent failed to report to EPA the noncompliance detailed in Section III of this Order, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. If the System has a total coliform MCL violation within twelve months of the effective date of this Order, Respondent shall, within 30 days of the violation, submit to EPA detailed plans for bringing Respondent's public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform bacteria. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days from the date of the violation) and shall be submitted to EPA for approval. The plans must be approved by EPA and the State before construction can commence.
2. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
3. Within 60 days of the date of Respondent's next MCL violation, Respondent shall submit to EPA monthly reports on the progress made toward bringing Respondent's system into compliance with the coliform bacteria MCL.
4. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that

Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

5. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).
6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
7. Except where a different reporting period is specified in paragraph 6 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R.

§ 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.

8. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 11th day of July, 2005.

Michael T. Risner

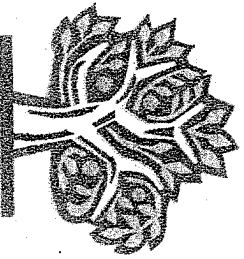
Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Diane L. Sipe

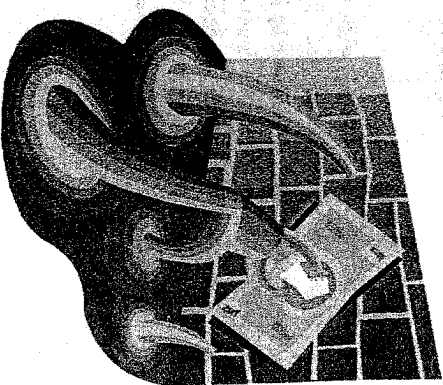
Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

WYOMING WATER/WASTEWATER TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS FOR PRIVATELY-OWNED PUBLIC WATER SYSTEMS IN WYOMING





U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman